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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.	CONFIRMATION NO.
10/531,604	04/14/2005	Paul Zwart	NL 020998	8162
24737 7590 01/14/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SONG, SARAH U	
			ART UNIT 2874	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/531,604

Applicant(s)

ZWART, PAUL

Examiner

Sarah Song

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1207.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2007 has been entered.

### *Information Disclosure Statement*

2. The prior art documents submitted by the applicant in the Information Disclosure Statement filed on December 5, 2007 have all been considered and made of record (note the attached copy of form PTO-1449).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffman et al. (U. S. Patent Application Publication 2006/0053036 previously relied upon).**

5. Regarding claims 1-8, Coffman et al. discloses a medical examination system comprising a medical examination device (e.g. 120, 580) and a control device (e.g. 40, 540) to operate the medical examination device, wherein the control device transmits signals comprising control

signals (“medical care order”, ¶[0103]) accompanied by an identification code (“identifier”, ¶[0104]) and wherein the examination device is provided with means to verify the identification code and is arranged to accept the corresponding control signals when the identification code is correct and to reject the corresponding control signals when the identification code is not correct characterized in that the examination system further comprises communication means (e.g. MTC 100 or “built in transmitter/receiver”, ¶[0100]) for automatically communicating the identification code between the control device and the examination device. The communication means are arranged to receive the identification code from the medical examination device for transmittance to the control device or vice versa. The communication means are also arranged to receive the identification code from the control device for transmittance to the examination device. The communication means are arranged for periodically transmitting the identification code and the control device is provided with memory means for temporal storage of the identification code (e.g. storage 45). The communication means comprise IR transmitter means and the control device is provided with IR receiver means. The communication means comprise interrogation means for periodically retrieving the identification code from the control device, wherein the interrogation means comprise an RFID reader and the control device is provided with an RFID tag. The control device may also be provided with a radio frequent transmitter and the examination device may be provided with a radio frequent receiver. Coffman et al. further discloses an erasing device for erasing the identification code from a memory of the control device after a predetermined time (¶[0072]). See also Figures 1 and 4, ¶[0065], [0100]-[0104].

6. Coffman et al. does not expressly disclose wherein the identification code comprises a room identification code. However, Coffman et al. discloses that other information may be

communicated as needed (§[0108]). Furthermore, RFID tags for object tracking were well known in the art at the time of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide room identification codes to facilitate tracking of the medical examination device. The modification would have been obvious as being pertinent to patient/object data, would have yielded predictable results since the specific information communicated between the control device and the medical examination device is not pertinent to the operation or structure of the system, the prior art system is fully capable of transmitting the claimed information, and the type of information communicated is analogous to an intended use limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

7. The method of claim 12 is also anticipated as being requisite steps for the operation of the device as discussed above.

8. Regarding claims 10 and 11, Coffman et al. does not expressly disclose wherein the device is an x-ray device, or more specifically, an x-ray foot switch. However, Coffman et al. discloses that the device may be any clinical device interacting with a patient (§[0110]). X-ray devices, including x-ray foot switches are well known clinical devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an x-ray device or foot switch as the PSA of Coffman et al. since Applicant has not disclosed that the particular examination devices solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any medical device.

***Response to Arguments***

9. Applicant's arguments filed October 30, 2007 have been fully considered but they are not persuasive.

10. Applicant states that Coffman teaches against an erasing device that erases the identification code from a memory of the control device after a predetermined time because the system of Coffman clears memories based on distance. Although the system of Coffman clears memories based on various criteria, the limitation for "a predetermined time" may encompass an amount of time in which the criteria of Coffman is satisfactorily met and therefore is disclosed by Coffman.

11. Applicant further states that the transmission of room identification codes obviates the intended use of Coffman. Examiner respectfully disagrees. Although Coffman teaches a mobile device, rather than a stationary device, the transmission of location information does not obviate the intended use of Coffman, but rather would enhance the device by providing supplementary information that would have been pertinent to the device usage. Furthermore, it is noted that the means to verify information of Coffman is capable of verifying any type of information that is capable of being transmitted between the devices, including room identification codes.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Song/  
Sarah Song  
Primary Examiner  
Art Unit 2874